

TO: House Judiciary Committee

DATE: March 17, 2001

My testimony today comes from personal experience that I want to share with this committee in the hope that I can provide some insight to the impact of Senate Bills 188 and 189 that you are considering.

My son was 15 years old when he and a girl who lived next door, who was also 15 years old, met up in his bedroom when he was left alone one Saturday afternoon. Without getting into the details, the result of this brief encounter was my son pleading guilty to CSC 520.d (1) (a) which is having sex with someone under 16. "Consent" did not come into play because neither of them were of legal age. Besides, they both had different views of what had happened. Because of the circumstances of this case, and his outstanding reputation within our community, the judge assigned him to HYTA. Despite the ordeal surrounding this incident, the assignment to HYTA seemed as though he could still have a good future since there would be no conviction if all requirements were met. But as he soon found out, the requirement to be listed on the Sex Offender Registry was the same as having a public conviction, if not worse. Despite fulfilling all of the requirements for HYTA, and never before or after the incident being in any trouble with the law, my son was branded a sex offender with his picture posted on the internet.

He went through high school as an honor student but that didn't stop the humiliation from following him as well as our family. State Police would periodically come to our house to physically verify Jason's address. This would cause neighbors to be suspicious and inquisitive about why the State Police were at our house. Imagine the feeling of a State Police visit when your neighbors and friends are out socializing in the summertime.

After he graduated from high school, he was excited to be attending Eastern Michigan University. But in his first semester as a freshman he received a letter from the university accusing him of lying on his application when he responded to "never being convicted of a crime." He was forced to appear before the Student Judicial Review and explain or face expulsion. He appeared with his evidence and explained the HYTA statute. The

Student Judicial review found in his favor but again he had to face the humiliation and stress of possible expulsion all because of him being on the Sex Offender Registry.

He then accepted a job with a reputable company in Ann Arbor. He enjoyed huge success with this company and formed solid relationships with the owner and upper management. But someone anonymously advised his company that he was a convicted sex offender. He received a strongly worded e-mail from the owner of the company, who was a mentor to him, stating how disappointed he was that he apparently lied on his application. After an exhaustive investigation into the circumstances of the incident, he was not terminated but again suffered a loss of dignity as he was put in a position to defend himself and bring documents to explain the circumstances of a youthful encounter of which there was no conviction yet the sex offender stigma continued to hang over his head. Coincidentally, he was not given any promotions after that incident.

Most recently he went through a series of interviews with another company in January, 2011 which resulted in a job offer contingent upon a background check. Again, my son with no conviction was believed to be lying on his application. After meeting with the HR manager and submitting the documented circumstances of the case, he has been hired.

The Holmes Youthful Trainee Act (HYTA) was designed to give youths a second chance. Any second chance is nullified when one is listed on the registry. And when the registry states a "date of conviction" on the website for those with HYTA it's simply not true.

The law you are now considering must finally get this right by stopping the registration requirement for these HYTA kids.. They need to get back what the law has already provided for them; a chance to live free of fear

Jim